

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN ANDREW FLORES,	:	
Plaintiff,	:	
-against-	:	24-CV-2969 (RA) (OTW)
STEVEN MONTIGNY and ALDEN KING,	:	<u>ORDER</u>
Defendants.	:	

ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of ECF 43.

On August 23, 2024, the Court directed the Office of the New York State Attorney General (the “OAG”) to provide an address at which Defendant Montigny could be served. (ECF 12 at 2). On September 6, 2024, OAG responded to the Court’s Order, and: (1) represented that the OAG did not represent Defendant Montigny, but only Defendant King; (2) that the New York State Department of Corrections and Community Supervision (“DOCCS”) could not accept service on Defendant Montigny’s behalf because he was not working, pursuant to a Notice of Discipline; and (3) offered to provide a home address at which Defendant Montigny could be personally served. (ECF 14).

On April 10, 2025, Plaintiff, who is incarcerated and proceeds *pro se*, filed a letter, docketed May 5, 2025, requesting an extension of time to serve Defendant Montigny. (ECF 38). As Mr. Flores’s letter noted, although the United States Marshals Service has attempted to personally serve Defendant Montigny three times at the address the OAG provided, those attempts were all unsuccessful. (ECF 38). (*See also* ECF 31). Concerned that Defendant Montigny might be attempting to evade service, on May 6, 2025, the Court ordered the OAG to

respond to Mr. Flores's letter. (ECF Nos. 39). As the OAG's first letter did not fully respond to Mr. Flores's letter or to the Court's May 6 Order (see ECF 41), on May 16, 2025, the Court issued a second order again directing the OAG to respond. (ECF 42).

By letter dated May 19, 2025, the OAG has informed the Court that: (1) Defendant Montigny is still employed by DOCCS; and (2) that Defendant Montigny has authorized DOCCs to accept service on his behalf. (ECF 43). The OAG provides the following as an address at which Defendant Montigny can be served:

Department of Corrections and Community Supervision Office of Counsel
The Harriman State Campus
1220 Washington Avenue, Building 4
Albany, New York 12227

Because Plaintiff proceeds IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

Accordingly, the Clerk of Court is respectfully directed to complete a U.S. Marshals Service Process Receipt and Return Form, Form USM-285, with the above-listed service address for Defendant Montigny, and deliver all documents necessary to effect service to the U.S. Marshals Service. The U.S. Marshals Service is respectfully directed to serve Defendant Montigny with the complaint and a copy of this order at that address.

The Clerk of Court is directed to serve a copy of this Order on *pro se* Plaintiff.

SO ORDERED.

Dated: New York, New York
May 30, 2025

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge